

JENKINS & CLAYMAN

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Attorney for Debtor

IN THE MATTER OF:

Riolito and Maria Lynette Custodio

Debtors

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

CHAPTER 13 CASE NO. 07-14498 JHW

ATTORNEY'S CERTIFICATION IN SUPPORT
OF MOTION

I, Eric J Clayman, by way of Certification hereby state:

1. I am an attorney at law licensed to practice before this court and I am authorized to make this certification.
2. The debtors have recently completed a loan modification and are in the process of modifying their plan to call for a small base to unsecured creditors with the understanding that their mortgage holder, Bank of America, obtained relief from the stay and is to be paid outside of the plan in accordance with the loan modification agreement.
3. The Chapter 13 Trustee has attempted to tender payments to Bank of America and these payments have been refused and have instead been sent to the Clerk of the Court. A copy of a recent Trustee report is attached as Exhibit "A".
4. The purpose of this certification is to respectfully request that this Honorable Court enter an order directing the Clerk of the Court to turn over the funds to the debtors in care of this office (there is no reason for the money to be sent back to the Chapter 13 Trustee who tendered it to a creditor who refused payment). Otherwise, the debtors would simply wait until their case has been completed and file the same motion and then the Chapter 13 Trustee would agree that the money would go back to the debtors.

I certify that the foregoing statements made by me are true. I am aware that if any of
the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 2-11-10

/s/ Eric J Clayman

Eric J Clayman, Esquire
Attorney for debtors